UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,187	07/31/2003	William Neal House	11336/537 (P03005US1)	1425

27879 7590 01/14/2008
INDIANAPOLIS OFFICE 27879
BRINKS HOFER GILSON & LIONE
ONE INDIANA SQUARE, SUITE 1600
INDIANAPOLIS, IN 46204-2033

EXAMINER	
KURR, JASON RICHARD	

ART UNIT	PAPER NUMBER
2615	

NOTIFICATION DATE	DELIVERY MODE
01/14/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentofficeactions@brinkshofer.com
svessely@usebrinks.com
dhasler@usebrinks.com

Office Action Summary	Application No.	Applicant(s)
	10/631,187	HOUSE, WILLIAM NEAL
	Examiner	Art Unit
	Jason R. Kurr	2615

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/6/03*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 13-19, 23-24 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Lazzeroni et al (US 2003/0026440 A1).

With respect to claim 1, Lazzeroni discloses a vehicle seatback audio controller, comprising: an entertainment audio source; an entertainment interface coupled to the entertainment audio source (fig.1 #102, pg.3 [0036]); a telematics audio source; a telematics interface coupled to the telematics audio source, the telematics interface configured to receive a telematics audio signal (fig.1 #106,108,110,112,114, pg.3 [0038-0040]); and a seatback interface (fig.1 #120) coupled to the entertainment interface, the telematics interface, and a seatback speaker (fig.1 #128, fig.6 "speaker left, right", pg.2 [0018] ln.3-5); where the seatback interface provides the telematics audio signal to the seatback speaker when the telematics audio source is active, and provides the entertainment audio signal to the seatback speaker when the telematics audio source is inactive (pg.6 [0061], pg.8 [0105-0106]). It is implied that the disclosed entertainment

audio source and accessory telematic audio sources of Lazzeroni contain control interfaces for user operation.

With respect to claim 2, Lazzeroni discloses the vehicle seatback audio controller of claim 1, where the vehicle seatback audio controller determines whether the telematics audio source is active through a function the telematics audio signal (pg.7 [0076-0092]).

With respect to claim 3, Lazzeroni discloses the vehicle seatback audio controller of claim 1, further comprising a control interface (pg.7 [0094] "SW2") coupled to the telematics audio source (pg.7 [0094] "radio or cell phone") to receive a control signal, where the vehicle seatback audio controller determines whether the telematics audio source is active through the control signal (pg.7 [0094]).

With respect to claim 4, Lazzeroni discloses the vehicle seatback audio controller of claim 1, further comprising a vehicle interface (fig.3 #104a) coupled to a vehicle speaker, where the vehicle interface provides the entertainment audio signal to the vehicle speaker (pg.3 [0043] ln.9-29).

With respect to claim 5, Lazzeroni discloses the vehicle seatback audio controller of claim 1, where the telematics audio source is a radar warning system (fig.1 #114).

With respect to claim 6, Lazzeroni discloses the vehicle seatback audio controller of claim 1, where the telematics audio source is a navigation system (fig.1 #112).

With respect to claim 7, Lazzeroni discloses the vehicle seatback audio controller of claim 1, where the telematics audio source is mobile telephone (fig.1 #110).

With respect to claim 8, Lazzeroni discloses the vehicle seatback audio controller of claim 1, where the entertainment audio source provides a digital audio signal (pg.3 [0036], "MP3").

With respect to claim 9, Lazzeroni discloses the vehicle seatback audio controller of claim 1, where the entertainment audio source provides an analog audio signal (pg.3 [0036], "cassette tape").

With respect to claim 13, Lazzeroni discloses a vehicle seatback audio controller, comprising: a first input adapted to receive an entertainment audio signal (fig.1 #102 pg.3 [0036]); a second input adapted to receive a telematics audio signal (fig.1 #106,108,110,112,114, pg.3 [0038-0040]); and an output coupled to the first input and the second input (fig.1 #128); where the output is adapted to provide the telematics audio signal to a seatback speaker (fig.6 "speaker left, right") when the telematics audio signal is active, and to provide the entertainment audio signal to the seatback speaker when the telematics audio signal is inactive (pg.6 [0061], pg.8 [0105-0106]).

With respect to claim 14, Lazzeroni discloses the vehicle seatback audio controller of claim 13, comprising a third input adapted to receive a control signal, where the vehicle seatback audio controller determines whether the telematics audio source is active through the control signal (pg.7 [0076-0092]).

With respect to claim 15, Lazzeroni discloses the vehicle seatback audio controller of claim 13, further comprising a second output adapted to provide the entertainment audio signal to a vehicle speaker (fig.3 #104a, pg.3 [0043] ln.9-29).

With respect to claim 16, Lazzeroni discloses the vehicle seatback audio controller of claim 13, where the entertainment audio signal is an analog audio signal (pg.3 [0036], “cassette tape”).

With respect to claim 17, Lazzeroni discloses the vehicle seatback audio controller of claim 13, where the entertainment audio signal is a digital audio signal (pg.3 [0036], "MP3").

With respect to claim 18, Lazzeroni discloses the vehicle seatback audio controller of claim 13, where the telematics audio signal is an analog audio signal (fig.1 #106,108,110,112).

With respect to claim 19, Lazzeroni discloses the vehicle seatback audio controller of claim 13, where the telematics audio signal is a digital audio signal (fig.1 #114).

With respect to claim 23, Lazzeroni discloses a method of controlling seatback audio, comprising: receiving an entertainment audio signal from an entertainment audio source (fig.1 #102, pg.3 [0036]); receiving a telematics audio signal from a telematics audio source (fig.1 #106,108,110,112,114, pg.3 [0038-0040]); providing the telematics audio signal to a seatback speaker (fig.6 “speaker right, left”) when the telematics audio source is active; and providing the entertainment audio signal to the seatback speaker when the telematics audio source is inactive (pg.6 [0061], pg.8 [0105-0106]).

With respect to claim 24, Lazzeroni discloses the method of claim 23, comprising providing the entertainment audio signal to a vehicle speaker (pg.3 [0043] ln.9-29).

With respect to claim 27, Lazzeroni discloses a vehicle seatback audio controller, comprising: means for receiving an entertainment audio signal (fig.1 #102, pg.3 [0036]); means for receiving a telematics audio signal (fig.1 #106,108,110,112,114, pg.3 [0038-0040]); means (fig.1 #124) for transmitting the telematics audio signal to a seatback speaker (fig.6 "speaker right, left") when the telematics audio signal is active; and means for transmitting the entertainment audio signal to the seatback speaker when the telematics audio signal is inactive (pg.6 [0061], pg.8 [0105-0106]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10-12, 20-22, 25-26 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazzeroni et al (US 2003/0026440 A1) in view of Boyer (US 5,844,992).

With respect to claim 10, Lazzeroni discloses the vehicle seatback audio controller of claim 1, however does not disclose expressly the controller comprising a microphone and level detectors to adjust the level of the telematics audio signal as a function of noise.

Boyer discloses an automatic sound controller comprising a microphone (fig.1 #12) positioned in a vehicle generating a noise signal (col.3 ln.53-59) and a level detector (fig.1 #18) coupled to the microphone receiving the noise signal, where the level detector determines an average gain signal as a function of the noise signal, and the seatback interface adjusts a level of the telematics audio signal to the seatback speaker as a function of the gain signal (col.5 ln.50-67, col.6 ln.1-5, col.7 ln.11-19). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the automatic sound controller of Boyer to control the level of the telematics signals of Lazzeroni. The motivation for doing so would have been to produce sound signals of an appropriate level so as to drown out ambient noises within the vehicle.

With respect to claim 11, Lazzeroni discloses the vehicle seatback audio controller of claim 1, however does not disclose expressly the controller comprising an accelerometer and level detectors to adjust the level of the telematics audio signal as a function of noise.

Boyer discloses an automatic sound controller comprising an accelerometer (fig.1 #12) coupled to the vehicle generating a vibration signal (col.3 ln.53-59) and a level detector (fig.1 #18) coupled to the accelerometer receiving the vibration signal, where the level detector determines an average gain signal as a function of the vibration signal, and the seatback interface adjusts a level of the telematics audio signal to the seatback speaker as a function of the gain signal (col.5 ln.50-67, col.6 ln.1-5, col.7 ln.11-19). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the automatic sound controller of Boyer to control the level

of the telematics signals of Lazzeroni. The motivation for doing so would have been to produce sound signals of an appropriate level so as to drown out ambient noises within the vehicle.

With respect to claim 12, Lazzeroni discloses the vehicle seatback audio controller of claim 1, however does not disclose expressly the controller comprising a level detector to adjust the level of the telematics audio signal as a function of noise.

Boyer discloses an automatic sound controller comprising a level detector (fig.1 #18) coupled to the microphone receiving the noise signal, where the level detector determines an average gain signal as a function of the noise signal, and the seatback interface adjusts a level of the telematics audio signal to the seatback speaker as a function of the gain signal (col.5 ln.50-67, col.6 ln.1-5, col.7 ln.11-19). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the automatic sound controller of Boyer to control the level of the telematics signals of Lazzeroni. The motivation for doing so would have been to produce sound signals of an appropriate level so as to drown out ambient noises within the vehicle.

With respect to claim 20, Lazzeroni discloses the vehicle seatback audio controller of claim 13, however does not disclose expressly the controller comprising a microphone and level detectors to adjust the level of the telematics audio signal as a function of noise.

Boyer discloses an automatic sound controller comprising a microphone (fig.1 #12) positioned in a vehicle generating a noise signal (col.3 ln.53-59) and a level detector (fig.1 #18) coupled to the microphone receiving the noise signal, where the

level detector determines an average gain signal as a function of the noise signal, and the seatback interface adjusts a level of the telematics audio signal to the seatback speaker as a function of the gain signal (col.5 ln.50-67, col.6 ln.1-5, col.7 ln.11-19). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the automatic sound controller of Boyer to control the level of the telematics signals of Lazzeroni. The motivation for doing so would have been to produce sound signals of an appropriate level so as to drown out ambient noises within the vehicle.

With respect to claim 21, Lazzeroni discloses the vehicle seatback audio controller of claim 13, however does not disclose expressly the controller comprising an accelerometer and level detectors to adjust the level of the telematics audio signal as a function of noise.

Boyer discloses an automatic sound controller comprising an accelerometer (fig.1 #12) coupled to the vehicle generating a vibration signal (col.3 ln.53-59) and a level detector (fig.1 #18) coupled to the accelerometer receiving the vibration signal, where the level detector determines an average gain signal as a function of the vibration signal, and the seatback interface adjusts a level of the telematics audio signal to the seatback speaker as a function of the gain signal (col.5 ln.50-67, col.6 ln.1-5, col.7 ln.11-19). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the automatic sound controller of Boyer to control the level of the telematics signals of Lazzeroni. The motivation for doing so would have been to produce sound signals of an appropriate level so as to drown out ambient noises within the vehicle.

With respect to claim 22, Lazzeroni discloses the vehicle seatback audio controller of claim 13, however does not disclose expressly the controller comprising a level detector to adjust the level of the telematics audio signal as a function of noise.

Boyer discloses an automatic sound controller comprising a level detector (fig.1 #18) coupled to the microphone receiving the noise signal, where the level detector determines an average gain signal as a function of the noise signal, and the seatback interface adjusts a level of the telematics audio signal to the seatback speaker as a function of the gain signal (col.5 ln.50-67, col.6 ln.1-5, col.7 ln.11-19). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the automatic sound controller of Boyer to control the level of the telematics signals of Lazzeroni. The motivation for doing so would have been to produce sound signals of an appropriate level so as to drown out ambient noises within the vehicle.

With respect to claim 25, Lazzeroni discloses the method of claim 23, however does not disclose expressly comprising: receiving a vibration signal from a accelerometer positioned in a vehicle; determining an average gain signal as a function of the vibration signal; and adjusting a level of the telematics audio signal to the seatback speaker as a function of the gain signal.

Boyer discloses a method for sound control comprising receiving a vibration signal from an accelerometer (fig.1 #12) coupled to a vehicle generating a vibration signal (col.3 ln.53-59) and a level detector (fig.1 #18) coupled to the accelerometer receiving the vibration signal, where the level detector determines an average gain signal as a function of the vibration signal, and the seatback interface adjusts a level of

the telematics audio signal to the seatback speaker as a function of the gain signal (col.5 ln.50-67, col.6 ln.1-5, col.7 ln.11-19). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the automatic sound controller of Boyer to control the level of the telematics signals of Lazzeroni. The motivation for doing so would have been to produce sound signals of an appropriate level so as to drown out ambient noises within the vehicle.

With respect to claim 26, Lazzeroni discloses the method of claim 23, however does not disclose expressly comprising: receiving a vibration signal from a microphone positioned in a vehicle; determining an average gain signal as a function of the vibration signal; and adjusting a level of the telematics audio signal to the seatback speaker as a function of the gain signal.

Boyer discloses an automatic sound controller comprising a microphone (fig.1 #12) positioned in a vehicle generating a noise signal (col.3 ln.53-59) and a level detector (fig.1 #18) coupled to the microphone receiving the noise signal, where the level detector determines an average gain signal as a function of the noise signal, and the seatback interface adjusts a level of the telematics audio signal to the seatback speaker as a function of the gain signal (col.5 ln.50-67, col.6 ln.1-5, col.7 ln.11-19). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the automatic sound controller of Boyer to control the level of the telematics signals of Lazzeroni. The motivation for doing so would have been to produce sound signals of an appropriate level so as to drown out ambient noises within the vehicle.

With respect to claim 28, Lazzeroni discloses the vehicle seatback audio controller of claim 27, however does not disclose expressly the controller comprising a microphone and level detectors to adjust the level of the telematics audio signal as a function of noise.

Boyer discloses an automatic sound controller comprising a microphone (fig.1 #12) positioned in a vehicle generating a noise signal (col.3 ln.53-59) and a level detector (fig.1 #18) coupled to the microphone receiving the noise signal, where the level detector determines an average gain signal as a function of the noise signal, and the seatback interface adjusts a level of the telematics audio signal to the seatback speaker as a function of the gain signal (col.5 ln.50-67, col.6 ln.1-5, col.7 ln.11-19). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the automatic sound controller of Boyer to control the level of the telematics signals of Lazzeroni. The motivation for doing so would have been to produce sound signals of an appropriate level so as to drown out ambient noises within the vehicle.

With respect to claim 29, Lazzeroni discloses the vehicle seatback audio controller of claim 27, however does not disclose expressly the controller comprising an accelerometer and level detectors to adjust the level of the telematics audio signal as a function of noise.

Boyer discloses an automatic sound controller comprising an accelerometer (fig.1 #12) coupled to the vehicle generating a vibration signal (col.3 ln.53-59) and a level detector (fig.1 #18) coupled to the accelerometer receiving the vibration signal, where the level detector determines an average gain signal as a function of the vibration

signal, and the seatback interface adjusts a level of the telematics audio signal to the seatback speaker as a function of the gain signal (col.5 ln.50-67, col.6 ln.1-5, col.7 ln.11-19). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the automatic sound controller of Boyer to control the level of the telematics signals of Lazzeroni. The motivation for doing so would have been to produce sound signals of an appropriate level so as to drown out ambient noises within the vehicle.

With respect to claim 30, Lazzeroni discloses the vehicle seatback audio controller of claim 27, however does not disclose expressly the controller comprising a level detector to adjust the level of the telematics audio signal as a function of noise.

Boyer discloses an automatic sound controller comprising a level detector (fig.1 #18) coupled to the microphone receiving the noise signal, where the level detector determines an average gain signal as a function of the noise signal, and the seatback interface adjusts a level of the telematics audio signal to the seatback speaker as a function of the gain signal (col.5 ln.50-67, col.6 ln.1-5, col.7 ln.11-19). At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the automatic sound controller of Boyer to control the level of the telematics signals of Lazzeroni. The motivation for doing so would have been to produce sound signals of an appropriate level so as to drown out ambient noises within the vehicle.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ishigaki et al (US 4,347,510) discloses an apparatus for automatic selective switching and transmission of input signals.

Fischer et al (US 5,748,748) discloses an apparatus and method for influencing oscillations in the passenger compartment of a motor vehicle.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Kurr whose telephone number is (571) 272-0552. The examiner can normally be reached on M-F 10:00am to 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 273-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JK
JK

VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600